

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**WENDELL BRIAN WILCOX,
PLAINTIFF,**

v.

**JP MORGAN CHASE BANK, N.A.,
CHASE HOME FINANCE LLC, and
JP MORGAN CHASE & CO.,
DEFENDANTS.**

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**No. 3:10-CV-1920-K
ECF**

**FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**


The District Court referred this case to the United States Magistrate Judge for pretrial management. Plaintiff is proceeding pro se. On November 17 and 18, 2010, Plaintiff filed almost identical pleadings entitled “Notice of Complaint and Application for Agreed Judgment by Default and Notice Challenging Jurisdiction (Attached Order) and Notice of Rights under the Bill of Rights (docs. 9, 10).”

No response is required. Plaintiff is not entitled to judgment by default because Defendants responded to the complaint by filing a Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6). With respect to the remaining allegations of the pleadings, they do not state any kind of claim. Defendants have not agreed by default or in any other respect to anything stated in Paragraphs I through VIII and X of Plaintiff’s pleadings. Paragraph IX is a series of statements which have no application or relevance to Plaintiff’s application for agreed judgment by default. In sum, based on the record before the Court, Plaintiff’s allegations with respect to Defendants are untrue and his statements with respect to alleged principles of commerce have no relevance.

Recommendation

The Court recommends that Plaintiff's Applications for Agreed Judgment By Default, filed November 17 and 18, 2010, be denied in their entirety.

SO RECOMMENDED this 1st day of December, 2010.



PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE

**INSTRUCTIONS FOR SERVICE AND
NOTICE OF RIGHT TO APPEAL/OBJECT**

The United States District Clerk shall serve a true copy of these findings, conclusions and recommendation on the parties. Pursuant to Title 28, United States Code, Section 636(b)(1), any party who desires to object to these findings, conclusions and recommendation must serve and file written objections within fourteen days after service. A party filing objections must specifically identify those findings, conclusions or recommendation to which objections are being made. The District Court need not consider frivolous, conclusory or general objections. A party's failure to file such written objections to these proposed findings, conclusions and recommendation shall bar that party from a *de novo* determination by the District Court. *See Thomas v. Arn*, 474 U.S. 140, 150, 106 S. Ct. 466, 472 (1985). Additionally, any failure to file written objections to the proposed findings, conclusions and recommendation within fourteen days after being served with a copy shall bar the aggrieved party from appealing the factual findings and legal conclusions of the Magistrate Judge that are accepted by the District Court, except upon grounds of plain error. *See Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc).